

Message

From: Kevin Murphy [KMurphy@WladisLawFirm.com]
Sent: 9/18/2015 2:16:29 AM
To: Charney, Lauren [Charney.Lauren@epa.gov]
CC: Doyle, James [Doyle.James@epa.gov]; LuisMendez@ongov.net
Subject: RE: changes to paragraph 66

Lauren:

If my flights are on time and everything else works I should be able to be on at least part of the call.

KCM

From: Charney, Lauren [mailto:Charney.Lauren@epa.gov]
Sent: Thursday, September 17, 2015 10:35 AM
To: Kevin Murphy
Cc: Doyle, James; LuisMendez@ongov.net
Subject: RE: changes to paragraph 66

Kevin, I've received confirmation from most parties that they are available for the 10am call tomorrow, so I am inclined to keep that meeting time. I know this isn't ideal for you, but I will be available any time after the call to update you on what was discussed. Hopefully Luis will be able to participate on behalf of Onondaga County.

From: Kevin Murphy [mailto:KMurphy@WladisLawFirm.com]
Sent: Wednesday, September 16, 2015 4:03 PM
To: Charney, Lauren
Cc: Doyle, James; LuisMendez@ongov.net
Subject: RE: changes to paragraph 66

Lauren:

I have checked w/ Luis Mendez re a Friday morning conference call. If necessary, he can try to adjust his schedule for an a.m. call but I cannot yet guarantee his participation. The County understands things need to keep moving and you are not sure of availability at your end on Monday. If necessary, Luis and I would ask for an opportunity to discuss matters w/ you Friday afternoon. As much as our concern is the issues that most concern the County, I would prefer if possible to not miss the dynamic of the group call. Thank you for factoring all of these issues into your scheduling efforts.

Kevin C. Murphy
The Wladis Law Firm, P.C.
P.O. Box 245, Syracuse, NY 13214
6312 Fly Road, East Syracuse, NY 13057

P 315/445-1700
F 315/251-1073
kmurphy@wladislawfirm.com

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From: Charney, Lauren [<mailto:Charney.Lauren@epa.gov>]
Sent: Tuesday, September 15, 2015 1:15 PM
To: David W. Nunn; Kevin Murphy
Cc: Doyle, James
Subject: changes to paragraph 66

David and Kevin,

Below is the revised language we propose for paragraph 66 of the AOC. Talk to you at 2:30.

1. Respondents shall be responsible for funding all of their obligations under this AOC, including performance of the Work and reimbursement of Future Response Costs. Upon entry of a judicially-approved consent decree that embodies an obligation by one or more of Respondents to implement the Remedial Action for the Lower Ley Creek OU, those Respondents that are settlors in any such consent decree may submit a joint request, as appropriate, for reimbursement of the RD costs incurred in performance of the Work under this AOC for those Respondents' portion of the RD costs. The reimbursed funds shall be used for advanced funding from the Special Account of the Remedial Action, pursuant to the terms of any such judicially-approved settlement. Any such request for reimbursement shall be accompanied by a description of the work the requesting Respondents performed related to the RD for which reimbursement is sought and a detailed, itemized accounting of their costs incurred in performing the Work under this AOC. The basis for and the amount of reimbursement to the Respondents will be dependent on (a) the availability of funds in the Special Account, (b) the Work's consistency with the NCP, which EPA agrees can be demonstrated by EPA's written approval of the Work, (c) EPA's acceptance of the cost documentation described in the cost accounting documentation, subject to dispute resolution, (d) EPA's reimbursement of its past response costs incurred at the Lower Ley Creek OU from the Special Account, and (e) the pre-condition of the participation of one or more of the Respondents to this AOC in any such future, judicially-approved settlement to implement the Remedial Action selected for the Lower Ley Creek OU.

Lauren P. Charney
Assistant Regional Counsel
US EPA Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3181
charney.lauren@epa.gov